

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MANETIRONY CLERVAIN,

:

: Case No. 2:20-cv-05706

Plaintiff,

:

: CHIEF JUDGE ALGENON L. MARBLEY

v.

:

: Magistrate Judge Vascura

DONALD WASHINGTON,

:

:

Defendant.

:

OPINION& ORDER

This matter is before the Court on Magistrate Judge Vascura's Report and Recommendation. (EFC No. 3). Magistrate Vascura responds to the Plaintiff Manetirony Clervain's Motion for Leave to Proceed *In Forma Pauperis*. (ECF No. 1). Magistrate Vascura recommends that Plaintiff's motion be denied and that this action be dismissed without prejudice. Alternatively, Magistrate Vascura recommends that Plaintiff be ordered to pay the full \$402 filing fee required to commence this action within 30 days.

The Report and Recommendation was filed on December 11, 2020 and advised the parties that they had fourteen days thereafter to raise any Objections. The Report and Recommendation also notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the Report and Recommendation de novo.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections expired, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation as this Court's findings of facts and law. The Court hereby **DENIES** Plaintiff's *in forma pauperis* application [#1]. The Court **ORDERS** Plaintiff to pay the full \$402 filing fee (\$350 filing fee, plus \$52 administrative fee) required to commence this action **WITHIN 30 DAYS**, or no later than April 1, 2021. The Court advises Plaintiff that his failure to

pay the full \$402 fee within 30 days will result in the dismissal of this action. Furthermore, the Court **CERTIFIES** that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: April 5, 2021